IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20690 of 2004

Between:

M.Govardhan, S/o.Ramulu,
R/o.8-2-293/82/B-46, Gayathri Hills, Yousufguda,
Hyderabad.

..... PETITIONER

AND

1 The Commissioner, AP Social Welfare Department, Masab Tank, Hyderabad.
2 The Joint/Dy.Director (SW)(FAC) Hyderabad, District at Hyderabad.
3 The Principal, Hyderabad Public School, Begumpet, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ or order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondents No.1 and 2 in not sanctioning the scholorship to the petitioner's son i.e Master M.Amrutharaj studing in 2nd class, section 2G in Hyderabad public School as bad, arbitrary, unjust and unreasonable and consequently direct the respondents to release the scholorship immediately.

Counsel for the Petitioner: MR.P.VENKATESWAR RAO

Counsel for the Respondent No1&2.: GP FOR SOCIAL WELFARE

The Court, at the stage of admission, made the following :

_

ORAL ORDER

Declaring the action of the respondents in not sanctioning the scholarship to the petitioner's son who is studying in Hyderabad Public School, the present writ petition is filed.

The respondent Nos.1 and 2 rejected for sponsoring the name of the petitioner's son for admission into 1st class in 3rd respondent-Hyderabad Public School, as such; he filed the writ petition No.2773 of 2004, wherein the said writ petition was dismissed with an observation that if there are any vacancies available for 2nd and 3rd classes, it is always open for the petitioner to take his claim under S.C. category. Thereafter, the 3rd respondent-Hyderabad Public School gave admission to the son of the petitioner in 2nd class. According to the petitioner, his son's name was sponsored by the Social Welfare Department and 1st respondent should send the fee to the 3rd respondent-School. Hence the present writ petition.

A detailed counter-affidavit has been filed by the respondents stating that Social Welfare Department is sponsoring S.C children for admission into Hyderabad Public Schools, whose parental income is below Rs.12000/- per annum as per G.O.Rt.No.329 SW (Q2) Dept, dated 21-05-1993 and further it is stated that the petitioner produced income certificate pertaining to the year 2001-2002 instead of the year 2003-04 and after due enquiry the case of the petitioner was rejected and hence it does not suffer from legal infirmity.

Now, the learned counsel for the petitioner vehemently contended that the certificate issued by the Mandal Revenue Officer, who is the competent authority, would clearly goes to show that the petitioner was getting Rs.12000/- per annum and therefore, the petitioner is entitled for scholarship as sponsored by the Social Welfare Department. On the other hand, the learned Government Pleader appearing for the respondents contended that an enquiry was conducted and considering the family status of the petitioner, the case of the petitioner was rejected and hence the order under challenge does not suffer from any legal infirmity so as to call from any interference by this Court.

The facts are not in dispute. Therefore, it is not necessary to mention about the facts. The only question to be considered in the writ petition is that whether the son of the petitioner is entitled for scholarship. If the income is less than Rs.12000/-, then only a person is eligible for scholarship. As can be seen from the certificate issued by the Mandal Revenue Officer, dated 13-08-2003 the income of the petitioner is Rs.12000/-. With regard to genuineness of the certificate issued by the Mandal Revenue Officer, the Deputy Director conducted an enquiry and in the enquiry it came to light that the family of the petitioner looks like a middle class family but not the below poverty line. Further, the Deputy Director stated in his report that the petitioner is working in real estate office and the wife of the petitioner is working as Teacher in a private School and the petitioner did not produce any material before him to show that his annual income is less than Rs.12000/-. The petitioner is a law graduate and he is working in a real estate office and he is living in a rented house near Jubilee Hills. The inquiry report revels that the son of the petitioner is not eligible for any scholarship in view of the fact that the petitioner belongs to middle income group and his living conditions is not the below poverty line. In his entire affidavit, the petitioner has not stated about his avocation or his income. The grant of scholarship to the persons belonging to “Scheduled Caste” is to be determined basing on the income and as a matter of fact the 2nd respondent conducted an enquiry with regard to income of the petitioner and came to a conclusion that the petitioner was getting more than Rs.12000/-per annum. According to the respondents the income certificate issued by the Mandal Revenue Officer, Shaikpet, Hyderabad District dated -1-2001 is found to be a false income certificate. The petitioner has not produced any material

before this Court to show that his income is less than Rs.12000/-. In the absence of any fact, the petitioner's son is not entitled for any scholarship.

Accordingly, the writ petition is devoid of merits and is dismissed at the stage of admission. No order as to costs.

_____

K.C.BHANU,J

17th January 2005

N.B

Issue CC

in three days.

(B/O)

*TSNR

TO

1 The Commissioner, AP Social Welfare Department, Masab Tank, Hyderabad.
2 The Joint/Dy.Director (SW)(FAC) Hyderabad, District at Hyderabad.
3 The Principal, Hyderabad Public School, Begumpet, Hyderabad.

4. Two CCs to G.P for Social Welfare,High Court Buildings,Hyderabad. (OUT)

5. Two C.D.Copies.